IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.Rev.Pet.No. 779 of 1999()

CRA.336/1996 of SESSIONS COURT, THRISSUR
CC.189/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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REVN. PETITIONER: APPELLANT/ 2ND ACCUSED

MADHUSUDANAN, S/O.CHANDRAN,
CHALIYIL HOUSE, P.O. VEMBALLOOR,
KODUNGALLUR , THRISSUR DIST.

BY ADV. SRI.K.A.JALEEL
SRI.T.T.MOHAMMED
SRI.T.P.VARGHESE
SRI.PHILIP T.VARGHESE

RESPONDENT: RESPONDENT/ COMPLAINANT

STATE OF KERALA, REP.BY
(S.I. OF POLICE MATHILAKAM IN CRIME NO.366/94) PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. RAVINDRABABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.779/1999

ORDER ON CRL.MP. 3495/1999 IN CRL.RP. NO.779/1999

DISMISSED

26.07.2007 **SD/- J.B.KOSHY, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

J.B.KOSHY, J.

Cr.R.P.No.779 OF 1999 ()

Dated this the 26th day of July, 2007

O R D E R

Appellant was the 2nd accused in C.C.No.189/1995 on the file of the Judicial Magistrate of First Class, Kodungalloor. He was charge sheeted for the offences punishable under Sections 448, 324, 452, 427 read with Section 34 of the Indian Penal Code. First accused was absconding.

2. The allegation was that the accused had trespassed into the house of witness No.1, which is situated at Vemballoor with an intention to assault him on 27.10.1994 at 8 p.m. The accused were inimical towards the said witness since he had disclosed the eve teasing of the accused to their family members. The 1st accused had beaten PW1 on his head with a glacirilidial stem, causing injuries to him. The petitioner had smashed the glass panel of the window causing loss to the tune of Rs.500/- to the said witness. The said offences have been committed in furtherance of their common intention. Hence

the prosecution would state that the accused have committed the offences, which are punishable under Sections 448, 324, 452, 427 read with Section 34 of I.P.C. It was proved by the evidence of eye witnesses that petitioner has smashed the glass panel of the window and thereby caused loss to the tune of Rs.500/- and also trespassed into the house. There is no material to interfere in the conviction entered against the petitioner as both courts concurrently found that offences alleged against the petitioner were true beyond reasonable doubt. With regard to offences punishable under Section 452, Statute has made imprisonment compulsory. Imprisonment ordered was only 15 days imprisonment. Maximum imprisonment was two years. Under Sections 448 and 427 also sentence of imprisonment is only for 15 days. Only a very lenient punishment was imposed by the court below. So no interference is required. Imprisonment was ordered to be suffered concurrently and in the above circumstances, I see no ground to interfere in the above sentence imposed and hence this revision petition is dismissed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.R.P.779 OF 1999

O R D E R

26th July, 2007